

28225. Chocolate-covered peanuts. (F.D.C. No. 47564. S. No. 69-368 T.)

QUANTITY: 9 cases, each containing 16 cartons of 24 boxes each, at Norfolk, Va.

SHIPPED: 2-7-62 and 3-29-62, from Philadelphia, Pa., by Blumenthal Bros. Chocolate Co.

LABEL IN PART: (Box) "Goobers Milk Chocolate Covered Peanuts BB Contents: * * * Net Wt. .875 ozs. Blumenthal Bros. Chocolate Co., Phila., Pa."

RESULTS OF INVESTIGATION: The product was chocolate-covered peanuts in boxes enclosed in a wrapper on which the manufacturer's name and address and quantity of contents were printed on the side panel of the box in small type and were partially obscured by the label overlap. Part or all of the ingredient statement was on the side panel in small type, and was partially obscured by an opaque blue band used to assist in removing the wrapper from the box.

LIBELED: 4-27-62, E. Dist. Va.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1), (e) (2) and (i) (2) to appear on the label, namely, name and address of manufacturer, packer, or distributor, quantity of contents, and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 8-13-62. Default—delivered to a Federal institution.

CONFECTIONERY

28226. Candy. (F.D.C. No. 46652. S. Nos. 65-991/3 R, 85-045/7 R.)

INFORMATION FILED: 1-4-62, E. Dist. Ark., against Hoffman Candy Co., Inc., North Little Rock, Ark., and Joseph C. Hoffman, president.

SHIPPED: Between 5-8-61 and 5-22-61, from Arkansas to Tennessee.

LABEL IN PART: (Bar) "HOFFMAN Candy Co. MINT PILLOW Approx. 10 3201 E. Broadway, N. Little Rock, Ark." "PECO BAR 1½ Oz. Or Over HOFFMAN CANDY CO. North Little Rock, Ark." "KRUNCH 1½ Ounce HOFFMAN CANDY COMPANY North Little Rock, Ark." "10¢ KRUNCH 10¢ 2 Oz. Or Over Sugar, Corn Syrup, Peanut Butter and Salt. HOFFMAN CANDY COMPANY North Little Rock, Ark." "10¢ PECO BAR 10¢ 2 Ozs. Or Over Sugar, Peanuts, Corn Syrup, Cocomanut, Soda & Salt HOFFMAN CANDY CO. North Little Rock, Ark."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(i) (2)—the label failed to bear the common or usual name of each ingredient.

PLEA: Nolo contendere.

DISPOSITION: 5-7-62. Corporation—\$75 fine, probation for 1 year. Individual—probation for 1 year.

28227. Candy. (F.D.C. No. 46685. S. Nos. 39-732/4 R, 47-971 R, 47-974 R.)

INFORMATION FILED: 1-24-62, N. Dist. Ohio, against M. G. Shaghalian & Co., Inc., Toledo, Ohio, and Miran Shaghalian, secretary.

SHIPPED: Between 1-30-61 and 2-14-61, from Ohio to Michigan, Iowa, and Illinois.

CHARGE: 402(a)(3)—contained insects, insect fragments, rodent hair fragments, and feather barbules; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 3-2-62. Corporation—\$1,000 fine on counts 1 and 2 of the information; Shaghalian—\$500 fine on counts 3 and 4 and probation for 2 years.

28228. Candy bars. (F.D.C. No. 47055. S. No. 47-170 T.)

QUANTITY: 27 ctns., each containing 24 pkgs. of 6 candy bars each, at St. Louis, Mo.

SHIPPED: 10-11-61 and 10-25-61, from Centralia, Ill., by Hollywood Brands, Inc.

LABEL IN PART: (Pkg.) "Hollywood's Pay Day Candy 6 Bars Salted Nut Roll * * * Distr. By Hollywood Brands Inc., Centralia, Ill."

RESULTS OF INVESTIGATION: Examination showed the packages of 6 candy bars failed to bear a statement of the quantity of contents.

LIBELED: 3-1-62, E. Dist. Mo.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents in terms of weight.

DISPOSITION: 4-4-62. Default—delivered to charitable institutions.

28229. Nut caramel candy. (F.D.C. No. 46589. S. No. 14-101 T.)

QUANTITY: 46 cases, 24 pkgs. each, at Chicago, Ill.

SHIPPED: 8-24-61, from Mansfield, Mass., by Mansfield Chocolate Co., a division of the James O. Welch Co.

LABEL IN PART: (Pkg.) "Welch's Nut Caramels Net Weight 8 Ozs. * * * James O. Welch Company Los Angeles, Calif. * * * Cambridge, Mass."

RESULTS OF INVESTIGATION: Examination showed that the only nut listed in the ingredient statement was peanuts, and that the quantity of contents and ingredient statements were inconspicuous due to being printed in silver-colored ink on paper of a noncontrasting color with a metallic-colored design and the ingredient statement was also difficult to read due to being printed on the label in such a position as to bring it precisely on the bottom edge of the box.

LIBELED: 10-19-61, N. Dist. Ill.

CHARGE: 403(a)—when shipped, the label statement "Nut Caramels" was misleading in view of the inconspicuousness of the ingredient statement which declared peanuts as the only nut ingredient; and 403(f)—the quantity of contents and ingredient statements were not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: James O. Welch Co. appeared as claimant and filed an answer denying that the product was misbranded as alleged in the libel. Thereafter, on 11-22-61, pursuant to stipulation of the parties, an order was entered directing removal of the case for trial to the District of Rhode Island. The case was tried without a jury on 1-23-62, after which it was taken under